tional violation by the court reporters, and I would affirm the dismissal of the claims against them.

The allegations against the staff counsel for the Indiana Judicial Qualifications Commission are wholly insufficient to state a constitutional claim. The amended complaint alleges that the attorney, Meg Babcock, was "informed . . . by mail" that Thacker "used his knowledge from outside of the court room to decide the division of assets in the court room" and "turned a blind eye to it." Loubser has not alleged that Babcock personally participated in a constitutional violation, nor has she alleged any proper alternative basis for liability on the part of the attorney. See *Sanville v. McCaughtry*, 266 F.3d 724, 740 (7th Cir. 2001); *Chavez v. Ill. State Police*, 251 F.3d 612, 651 (7th Cir. 2001). I would affirm the dismissal of the claim against Babcock.

Finally, the largest category of defendants consists of the numerous private actors: Loubser's ex-husband; the attorneys and the paralegal; the witnesses in the divorce case; some of their friends and relatives. The allegations about the conduct of these defendants comprise almost the entire amended complaint. Section 1983 can reach private citizens only where a plaintiff adequately alleges that they conspired with a state actor to deprive that plaintiff of a constitutional right. See *Brokaw v. Mercer County*, 235 F.3d 1000, 1016 (7th Cir. 2000). Specifically, a plaintiff must allege in her complaint that: "(1) a state official and private individual(s) reached an understanding to deprive the plaintiff of his constitutional rights, and (2) those individual(s) were willful participants in joint activity with the State or its agents." *Id.* (internal quotations and citation omitted). A generalized allegation of conspiracy that fails to identify the timing, scope, and terms of the agreement between the private person and one or

more state actors will not satisfy even the minimal requirements of notice pleading under FED. R. CIV. P. 8. See *Ryan v. Mary Immaculate Queen Ctr.*, 188 F.3d 857, 860 (7th Cir. 1999).

For all its length and meandering density, the amended complaint contains only generalized allegations of conspiracy. Although Loubser has identified a basic time frame and conspiratorial purpose, she has not alleged that each of the private citizen defendants entered into an agreement with one or more state actors to deprive her of her constitutional rights, nor has she clearly alleged their individual participation in joint activity with state agents. To be sure, the amended complaint purports to describe some of the activities of some of these defendants during the course of the divorce case, but it does so mostly incoherently. The more readily decipherable allegations do not assert the existence of an agreement or understanding as between each of the individual private citizen defendants and a state actor. Instead, Loubser has pleaded a jumbled collection of alleged misdeeds by some of the private citizen defendants during the state court divorce proceedings, together with a generalized allegation of conspiracy. This is insufficient to state a § 1983 claim against the private citizen defendants.

As noted by the majority, the purpose of federal pleading requirements is to provide notice to the defendant to facilitate the preparation of a response. But another equally important purpose is "to allow the court to determine at the outset of the litigation, before costly discovery is undertaken, whether the plaintiff has any tenable theory or basis of suit, so that if he does not the case can be got rid of immediately without clogging the court's docket and imposing needless expense on the defendant." *Ryan*, 188 F.3d at 860. Loubser's amended complaint does not adequately allege a tenable basis for a § 1983 civil

rights conspiracy claim against the private citizen defendants.[2] We should not put them to the needless expense of continuing to defend against it, nor should we burden the lower court by returning a meritless case to its docket. I would affirm the judgment dismissing the case in its entirety.

---

[2] Leave to replead is not warranted here. The amended complaint is Loubser's second try at pleading a civil rights conspiracy by the defendants; she has not succeeded in filing a short, plain, and actionable claim.

A true Copy:

Teste:

Clerk of the United States Court of Appeals for the Seventh Circuit

APPENDIX

Parties to the Court of Appeals Seventh Circuit

Alexander R. Pala; R. Dennis Hoover, William B. Weist; Roth Jewelers, aka Roth Brothers; William Roth; Candace A. Roth aka Candace Roth aka Candy Roth; Gregory Roth aka Greg Roth; Rusty Roth; Kindra Roth; Jillian Roth aka Jill Roth; David Diener; Diener Supply and Hardware; Douglas Radersdorf; Radersdorf and Associates, PC; Thomas Grzesik; Thomas Grzesik & Associates Inc.; Lawrence Culp; Terry Smith; Sondra Rumple; Courtney B Justice; Halsen Brothers Sheet Metal Heating and Air Conditioning; Ronald N. Halsen aka Ron Halsen, aka Ronnie Halsen; Michael Hamilton, aka Mike Hamilton, Frederick Henney, MD; Indiana Abstract and Title Co; Theresa Lepper; White County Title and Abstract Company; Steven Fishel; Kathy Fishel; Justice Law Office; Corina Montine; Meg Babcock; Kathy J. Freeman; Brendt Dechert; David W Stone IV; Charles Traylor.

United States District Court Decision, dismissal of the case

United States District Court
Northern District of Indiana
ANNARE L LOUBSER
Plaintiff

v. JUDGEMENT IN A CIVIL ACTION
Case No. 4: 04cv75

UNITED STATES OF AMERICA
ROBERT W. THACKER;
REX W. KEPNER; ALEXANDER R PALA
R. DENNIS HOOVER; WILLIAM B. WEIST;
ROTH JEWELERS, a/k/a Roth Brothers;
WILLIAM ROTH, CANDACE ROTH, a/k/a

C. Roth,a/k/a Candace Roth, a/k/a Candy Roth; GREGORY ROTH, a/k/a Greg Roth; RUSTY ROTH KINDRA ROTH; JILLIAN ROTH, a/k/a Jill Roth; DAVID DIENER; DIENER SUPPLY & HARDWARE; DOUG RADERSFORF; RADERSDORF & ASSOCIATATES PC; THOMAS GREZIK; THOMAS GRZESIK & ASSOCIATES INC; LAWRENCE CULP; TERRY SMITH, Deputy Prosecutor; SONDRA RUMPLE; COURTNEY B JUSTICE; HALSEN BROTHERS SHEET METAL HEATING AIR CONDITIONING; RONALD HALSEN, a/k/a Ron Halsen, a/k/a Ronnie Halsen; MICHAEL HAMILTON, a/k/a Mike Hamilton; FREDERICK HENNEY, MD; INDIANA ABSTRACT & TITLE CO; THERESA LEPPER; WHITE COUNTY TITLE & ABSTRACT COMPANY; STEVEN FISHEL; KATHY FISHEL;JUSTICE LAW OFFICE; CORINA MONTINE; MEG BABCOCK; KATHY J FREEMAN; BRENDT DECHERT; DAVID W STONE IV; CHARLES TRAYLOR;

Defendants

[ ] **Jury Verdict.** This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] **Decision by Court**. This action came to trial , hearing or consideration before the Court. The Issue have been tired, heard or considered and a decision hs been rendered.

IT IS ORDERED AND ADJUDGED that Pursuant to Rule 12 of the Federal Rules of Civil Procedure, all claims against all the defendants are dismissed, and the defendants' motions to dismiss are **GRANTED.** The plaintiff's motion to strike defendant's motion to dismiss is **DENIED.** The plaintiff's motion to dimiss as defendant the United States of America is **GRANTED**. The motions for sanctions are **DENIED.** This is to be

considered a final appealable judgment and this case should now be considered closed.

Stephen R. Ludwig, Clerk

By s/ Monica Clawson
Deputy Clerk

This document entered pursuant to Rules 79 (a) and 58 Of the Federal Rules of Civil Procedure on **July 6, 2005.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ANNARE LOUBSER	)	
	)	
Plaintiff,	)	
v.	)	
	)	Case No. 4: 04cv0075AS
UNITED STATES OF AMERICA, et al	)	
	)	
	)	
Defendants.	)	
	)	

MEMORANDUM, ORDER AND OPINION

The plaintiff, Annare Loubser, filed a complaint against more than 40 defendants claiming that her constitutional rights were violated by a dissolution of marriage action involving her and her former husband Alexander R. Pala, in White County Circuit Court Indiana. Magistrates Judge Andrew P. Rodovich entered an order denying as moot numerous motions filed by parties, including various amendments and clarifications filed by the plaintiff and multiple motions for a more definite statement, motions to dismiss the complaint, and motions

to strike all of the allegations in the complaint filed by the defendants. In that order magistrate Judge Rodovich indicated that the plaintiffs' complaint appeared to be a collateral attack on the state court divorce proceeding. Though he allowed the plaintiff to amend her complaint, he warned her that she may be subject o sanctions if she were to file a complaint that violates the so called *Rooker Feldman* doctrine. *Rooker v. Fidelity Trust Co.*, 263 U.S.413(1923). The plaintiff subsequently filed and amended complaint and the defendants have filed various motions to dismiss and motions for sanctions. Those motions are now before the Court.

Discussion

Ms. Loubser has sued almost every party even marginally involved in her state court divorce proceeding including , among others, two trial judges, her former husband, her attorneys, two court reporters, most witnesses and the United States of America[1]. She claims that she was deprived of equal protection of the laws, she was deprived of substantive and procedural due process, state judges conspired against her and refused to disqualify themselves from her case, her first amendment rights were violated, she was placed in a state of involuntary servitude to her ex- spouse, she was discriminated against based on her age and lack of disability, she was denied the right to confront witnesses against her, she was denied the right to compulsory process to secure the attendance of witnesses, she was denied the right to assistance of counsel, there were *ex parte* communications between a judge and some of her ex- spouse's witnesses, transcripts was latered, there were derogatory remarks made about her by a deputy prosecuting attorney, and that counsel to the Indiana Judicial Qualifications Commission refused to do anything about the alleged violations of her rights. Ms. Loubser appealed her state court case, and it was affirmed by the Indiana Court of Appeals. 798 N. E. 2d 567(Ind. Ct. App.2003) The Indiana Supreme Court Denied certification.

This court will not attempt to recite all of the

plaintiff's factual allegations here, but it is clear upon examination of those allegations that she is attempting to undo the results of her state court divorce proceeding. This attempt is futile in light of the familiar *Rooker-Fledman* doctrine. That doctrine prohibits the federal district courts from reviewing state court civil judgments, including all claims that are intertwined with those judgments, including all claims that are inextricably intertwined with those judgments. *District of Columbia*

---

[1] Plaintiff subsequently filed a motion to dismiss the United States as a defendant in this case(Docket No. 137). That motion is **GRANTED**.

Court of Appeals v. Feldman, 460 U.S. 462(1983); *Rooker v. Fidelity Trust Co.*,263 U.S.413(1923). In *Feldman*, the Supreme Court held that all federal claims which were "inextricably linked" with the state court judgment were precluded from relitigation in Federal Court. *Feldman*, 460 U. S. at 486. Furthermore, and unsatisfied party may not seek reversal of state court judgment simply by casting its complaint as a civil rights action. *Wright v. Thackett*, 39 F. 3d 155, 158 (7th Cir. 1994). The merits of the estate court ruling are beyond the jurisdiction of this court. *Id.* The nature of Ms. Loubser's allegations and the supporting materials submitted by her clearly demonstrate that she is in no way seeking a new, independent claim. Rather, she is dissatisfied with the state court ruling and is attempting to undermine the state court judgment.

Therefore, this court lacks subject matter jurisdiction over this claim.

In addition to the *Rooker-Feldman* doctrine, the " domestic relations exception" to federal jurisdiction also bars Ms. Loubser's claim. *Ankenbrandt v. Richards*, 504 U.S.689, 703 (1992). That exception prevents federal courts from issuing decrees in domestic relations cases such as divorce, child custody and alimony disputes. *Id.* The plaintiff is asking this Court to review and overturn the state court orders and to award damages for the

issuance of those orders, thereby effectively changing the dissolution decree entered by the state court. This Court lacks jurisdiction to do. In light of the foregoing, Ms. Loubser's claim must be dismissed pursuant to Rule 12 of the Federal Ruled of Civil Procedure.

Finally, the Court at this time declines to impose sanctions against Ms. Loubser. If she insists on proceeding improperly in this matter, however, she will be subject to sanctions. She must abide by the rules and proper procedure of this Court.

Conclusion

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, all claims against all defendants are dismissed, and the defendants' motions to dismiss are **GRANTED.** The plaintiff's motion to strike defendants' motion to dismissed is **DENIED.** The plaintiffs' motion to dismiss as defendant United States of America is **GRANTED.** The motions for sanctions are **DENIED.** This is to be considered a final appealable judgment and this case should now be considered closed.

IT IS SO ORDERED.

Date: June 30, 2005

s/ ALLEN SHARP

ALLEN SHARP, JUDGE
UNITED STATES
DISTRICT COURT



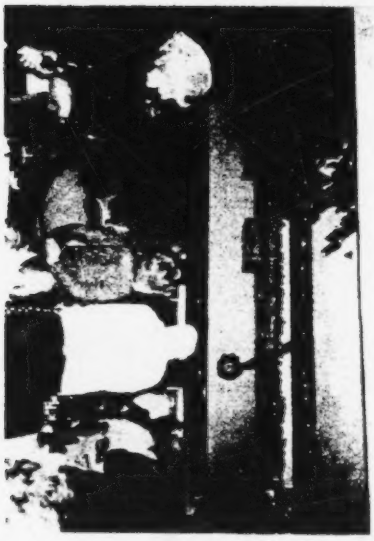




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(15)





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(15)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

ANNARE L. LOUBSER	)	
Plaintiff,	)	
v.	)	CIVIL NO: 4: 04CV0075AS
UNITED STATES OF AMERICA et al	)	
Defendants,	)	

AFFIDAVIT OF SELF-AUTHENTICATION

1. That at the time of the trial of this cause on a October 17, 2002 I witnessed Judge Robert W. Thacker engaging in communications outside of his courtroom on the third floor of the White County Court House in his judicial robe. I saw Judge Robert W. Thacker shaking the hand of a witness, William Roth, for the petitioner, Alexander R. Pala, and then hugging another witness, David Diener, for the petitioner Alexander R. Pala.

2. On October 17th , 2002 Sondra Rumple, the court reporter for Judge Robert W. Thacker, in the courtroom, commented to Alexander R. Pala that her and her husband had dinner with Joe and Nancy Pala, and that they haven't been out with them in a long time until this week, which happened to be the same week of the Pala marriage dissolution. Joe Pala is the brother of Alexander R. Pala.

3. On October 18th , 2002, I observed Alexander R. Pala joking with Candace

BEST AVAILABLE COPY

Roth, walking around in the court room while testimony was taking place. Then, I witnessed at the conclusion of the trial Alexander R. Pala joking with Judge Robert W. Thacker saying "goodbye judgee wudgee, I will see you around town" before he left the court room.

4.On December 31, 2002 while at the Tippecanoe County Club, I witnessed Judge Robert W. Thacker engaging in conversation with Alexander R. Pala's personal Social Security representative Candice Roth. Candice Roth has been documented in this case as Mr. Pala's Social Security representative. I took pictures of Judge Robert W. Thacker and Candace Roth to document the Judge showing impartiality to the petitioner, Alexander R. Pala in a public setting.

5. Jill Roth and Dana Thacker graduated in 2002. Jill Roth and Dana Thacker also were the student editors of the yearbook their senior year. Jill Roth is the daughter of Candice and William Roth. Candice Roth is Al Pala's close friend and Social Security Representative. William Roth is also a close friend of Al Pala and was a witness on the behalf of Al Pala. Dana Thacker is the daughter of Judge Robert Thacker.

6. During the summer of June or July of 2004, I went to the White County Court House to look for the Balvich divorce file. Annare Loubser had told me her knowledge of the case and that it would be one to look into. The clerks, Paula Lance and Mary Reid, at the White County Court House were able to direct me to the books on the shelf to start looking through. I located the case number in the book and asked one of the clerks, Mary Reid, for the file. She could not locate the file, but she called Judge Thacker's court reporter, Sondra Rumple, and asked her if she had any knowledge of that

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case and or file. We had to wait a few minutes for Sondra to call Mary Reid, the clerk back. Mary then relayed the message to me, that Sondra had made a mental note of this case and that it had been transferred to Rensselear's Court House. Mary wrote on a paper, "Transferred Whole File 12-1-86, Clerk of Jasper Circuit Court" and the phone number "219-866-4927". I then called the Jasper Clerk's and asked about the Balvich file. The clerk said that she could not find the file and asked that I call back in a couple of days, that it could be on microfiche. I waited a couple of days and then called Jasper's Clerk back. The clerk then proceeded to tell me that the case was over and that it had been destroyed and was not on microfiche. She stated that there was not any record of the case at the Jasper Court House. I told Agnare Loubser about my experience at the White County Court House and what the Jasper Clerk had told me.

Further Affiant Sayeth Not.

Melissa R. Kilmer
Affiant's Signature

Melissa R. Kilmer
Affiant's Typed or Printed Name

25

State of INDIANA)
) SS:
County Of BENTON)

Before Me Notary Public, in and for said County and State, personally appeared the aforesigned, who acknowledged the execution of foregoing Affadavit of Self-Authentication, and who having first been duly sworn, stated the representation therein contained are true.

Witness my hand and Notarial Seal this 9 day of DECEMBER 2004

Hope Sinclair
Notary Public

My Commission Expires:

10 MAY 2010

County of Residence:

BENTON

Form **1120S** — **U.S. Income Tax Return for an S Corporation**

▶Do not file this form unless the corporation has timely filed Form 2553 to elect to be an S corporation.

▶See separate instructions.

CLIENT COPY

OMB No. 1545-0130

2002

Department of the Treasury Internal Revenue Service

For calendar year 2002, or tax year beginning , and ending

A Effective date of election as an S corporation: 9/26/95	Use IRS label. Otherwise, print or type. Name: Relieve Therapy Services, Inc.	C Employer identification no.: [redacted]8887	
B Business code no. (see pages 25-31): 621340	Number, street, & room or suite no. (If a P.O. box, see page 11 of the instr.): 1415 N Main Street	D Date incorporated: 9/26/95	
	City or town, state, and ZIP code: Monticello IN 47960	E Total assets (see page 11): $ 52,819	

F Check applicable boxes: (1) ☐ Initial return (2) ☐ Final return (3) ☐ Name change (4) ☐ Address change (5) ☐ Amended return

G Enter number of shareholders in the corporation at end of the tax year ▶ 1

Caution: Include only trade or business income and expenses on lines 1a through 21. See page 11 of the instructions for more information.

Income	1a	Gross receipts or sales: 518,555	b Less returns and allowances: 106,017	c Bal ▶ 1c	412,538	
	2	Cost of goods sold (Schedule A, line 8)		2		
	3	Gross profit. Subtract line 2 from line 1c		3	412,538	
	4	Net gain (loss) from Form 4797, Part II, line 18 (attach Form 4797)		4		
	5	Other income (loss) (attach schedule)		5		
	6	Total income (loss). Combine lines 3 through 5	▶	6	412,538	
Deductions (see page 12 of the instructions for limitations)	7	Compensation of officers		7	54,103	
	8	Salaries and wages (less employment credits)		8	84,890	
	9	Repairs and maintenance		9		
	10	Bad debts		10		
	11	Rents		11	14,050	
	12	Taxes and licenses		12	11,729	
	13	Interest		13		
	14a	Depreciation (if required, attach Form 4562)	14a: 2,038			
	b	Depreciation claimed on Schedule A and elsewhere on return	14b			
	c	Subtract line 14b from line 14a		14c	2,038	
	15	Depletion (Do not deduct oil and gas depletion.)		15		
	16	Advertising		16	7,302	
	17	Pension, profit-sharing, etc., plans		17	2,218	
	18	Employee benefit programs		18	11,374	
	19	Other deductions (attach schedule)	Stmt 1	19	111,516	
	20	Total deductions. Add the amounts shown in the far right column for lines 7 through 19	▶	20	299,340	
	21	Ordinary income (loss) from trade or business activities. Subtract line 20 from line 6		21	113,198	
Tax and Payments	22	Tax: a Excess net passive income tax (attach sch.)	22a			
	b	Tax from Schedule D (Form 1120S)	22b			
	c	Add lines 22a and 22b (see page 16 of the instructions for additional taxes)		22c		
	23	Payments: a 2002 estimated tax payments & amount applied from 2001 return	23a			
	b	Tax deposited with Form 7004	23b			
	c	Credit for Federal tax paid on fuels (attach Form 4136)	23c			
	d	Add lines 23a through 23c		23d		
	24	Estimated tax penalty. Check if Form 2220 is attached ▶ ☐		24		
	25	Tax due. If the total of lines 22c and 24 is larger than line 23d, enter amount owed. See page 4 of the instructions for depository method of payment ▶		25		
	26	Overpayment. If line 23d is larger than the total of lines 22c and 24, enter amount overpaid ▶		26		
	27	Enter amount of line 26 you want: Credited to 2003 estimated tax ▶	Refunded ▶	27		

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

May the IRS discuss this return with the preparer shown below (see instr.)? ☒ Yes ☐ No

Signature of officer: Annare Pala — Date — Title: President

Paid Preparer's Use Only

Preparer's signature: Deborah E. Raderstorf	Date: 2/5/03	Check if self-employed ☐	Preparer's SSN or PTIN: [redacted]8186
Firm's name (or yours if self-employed), address, and ZIP code: Raderstorf & Associates, P.C. 303 North Main Street, P.O. Box 706 Monticello, IN 47960		EIN: [redacted]592	Phone no.: 574-583-5041

For Paperwork Reduction Act Notice, see the separate instructions.

DAA

Form **1120S** (2002)

27

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Abie Loubser

From: "Abie Loubser"
To: <justlaw@cqc.com>
Sent: Tuesday, February 18, 2003 5:30 PM
Subject: Re: reply

--- Original Message ---
From: Justice Law Offices
To: abie@mbury.new.co.za
Sent: Monday, February 17, 2003 4:44 PM
Subject: reply

February 14, 2003

Via E-Mail
Ms. Annare L. Loubser
abie@mbury.new.co.za

RE: Pala Dissolution of Marriage
White Circuit Court
Cause No. 91C01-0108-DR-147

Dear Ms. Loubser:

The attached letter was sent this afternoon to Mr. Hoover. We will be lodging our Appeal in the next week and if bankruptcy is indicated, we will proceed on that basis under your instructions.

The issues you have brought up in your e-mail of February 12, 2003, are those which Mr. Stone will want to direct his attention on the merits of the Appeal.

I do not intend to file a Motion to Correct Errors because after full consideration I believe Judge Thacker will not change his Order in our direction in any respect. Worse, if I point out to him his errors, he may correct his Order to eliminate those potential errors but to polish his findings up to make them appeal-proof in the Court of Appeals. I believe it is the better course to file a direct appeal to the Indiana Appellate Court and intend to do so barring your specific instructions to the contrary.

It is important to remember finally, that all errors can be raised for the first time in appeal and is not necessary – in this case unadvisable I believe – to file a Motion to Correct Errors.

I am glad the weather is fair and hope that you are enjoying your time in South Africa.

Yours faithfully,

28

Courtney B. Justice

(91)

2/18/03

Form **1120S** | **U.S. Income Tax Return for an S Corporation**

▶Do not file this form unless the corporation has timely filed Form 2553 to elect to be an S corporation.

▶See separate instructions

OMB No. 1545-0130

2001

Department of the Treasury Internal Revenue Service

For calendar year 2001 or tax year beginning , and ending

Effective date of election as an S corporation: 9/26/95	Use IRS label. Otherwise, print or type.	Name: Relieve Therapy Services, Inc.	C Employer identification no.: [redacted]3887
Business code no. (see pages 25-27): 621340		Number, street, and room or suite no. (If a P.O. box, see page 11 of the instructions.): 1415 N Main Street	D Date incorporated: 9/26/95
		City or town, state, and ZIP code: Monticello IN 47960	E Total assets (see page 11): $ 70,337

Check applicable boxes: (1) ☐ Initial return (2) ☐ Final return (3) ☐ Name change (4) ☐ Address change (5) ☐ Amended return

Enter number of shareholders in the corporation at end of the tax year ▶ 1

Caution. Include only trade or business income and expenses on lines 1a through 21. See page 11 of the instructions for more information.

Income	1a	Gross receipts or sales	513,897	b Less returns and allowances	69,415	c Bal ▶ 1c 444,482
	2	Cost of goods sold (Schedule A, line 8)				2
	3	Gross profit. Subtract line 2 from line 1c				3 444,482
	4	Net gain (loss) from Form 4797, Part II, line 18 (attach Form 4797)				4
	5	Other income (loss) (attach schedule)				5
	6	Total income (loss). Combine lines 3 through 5			▶	6 444,482
Deductions (see page 12 for limitations)	7	Compensation of officers				7 49,276
	8	Salaries and wages (less employment credits)				8 94,154
	9	Repairs and maintenance				9 727
	10	Bad debts				10
	11	Rents				11 11,976
	12	Taxes and licenses				12 12,490
	13	Interest				13 2,228
	14a	Depreciation (if required, attach Form 4562)		14a 2,590		
	b	Depreciation claimed on Schedule A and elsewhere on return		14b		
	c	Subtract line 14b from line 14a				14c 2,590
	15	Depletion (Do not deduct oil and gas depletion.)				15
	16	Advertising				16 8,994
	17	Pension, profit-sharing, etc. plans				17 3,650
	18	Employee benefit programs				18 10,968
	19	Other deductions (attach schedule)		Stmt 1		19 105,601
	20	Total deductions. Add the amounts shown in the far right column for lines 7 through 19			▶	20 302,654
	21	Ordinary income (loss) from trade or business activities. Subtract line 20 from line 6				21 141,828
Tax and Payments	22	Tax: a Excess net passive income tax (attach sch.)		22a		
	b	Tax from Schedule D (Form 1120S)		22b		
	c	Add lines 22a and 22b (see page 16 of the instructions for additional taxes)				22c
	23	Payments: a 2001 estimated tax payments & amount applied from 2000 return		23a		
	b	Tax deposited with Form 7004		23b		
	c	Credit for Federal tax paid on fuels (attach Form 4136)		23c		
	d	Add lines 23a through 23c				23d
	24	Estimated tax penalty. Check if Form 2220 is attached			▶ ☐	24
	25	Tax due. If the total of lines 22c and 24 is larger than line 23d, enter amount owed. See page 4 of the instructions for depository method of payment			▶	25
	26	Overpayment. If line 23d is larger than the total of lines 22c and 24, enter amount overpaid			▶	26
	27	Enter amount of line 26 you want: Credited to 2002 estimated tax ▶		Refunded	▶	27

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Annare Pala — President

Signature of officer — Date — Title

May the IRS discuss this return with the preparer shown below (see page 27)? ☒ Yes ☐ No

Paid Preparer's Use Only

Preparer's signature	Date 1/31/02	Check if self-employed ☐	Preparer's SSN or PTIN [redacted]8186
Firm's name (or yours if self-employed) and address: Raderstorf & Associates, P.C. 303 North Main Street, P.O. Box 706 Monticello, IN 47960			EIN [redacted]6592 Phone no. 219-583-5041

For Paperwork Reduction Act Notice, see the separate instructions. 29 89 Form 1120S (2001)

UNITED STATESDISTRICT COURT
NOTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

ANNARE L. LOUBSER	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO: 4: 04CV0075AS
	)	
UNITED STATES OF AMERICA, et al	)	
	)	
Defendants,	)	

AFFIDAVIT OF SELF-AUTHENTICATION

The undersigned, being first duly- sworn upon oath, now says:

1) On March 30, 2004 between 2:00 and 3:30 p.m., a meeting was held between Annare Loubser, Attorney Charles Traylor and me regarding various financial issues. Specifically discussed was the following:
   a. Possibility of filing bankruptcy – determined not in Annare's best interest and more than likely she wouldn't be able to qualify even with the reduced level of income that the business earning.
   b. The move to Indianapolis area and starting work at a different Physical Therapist location
      i. Including the sale and its related ramifications of the Monticello practice (i.e. how much could it sell for, what would she be able to retain, how much goes to ex-husband).
      ii. Possibility of hiring a full-time Physical therapist to operate the Monticello practice while Annare gets situated in Indianapolis area.

   The attorney recommended that Annare stay in Monticello and continue to try and grow that practice versus the above ideas of selling the practice and moving to Indianapolis to start anew. The reason being, per the attorney, is that the court would not look favorably upon Annare getting rid of her business operation to start afresh at a much reduced pay and income source. He indicated the courts could possibly not alter the payments being required to go to Annare's ex-husband (i.e. payments would be calculated still at the old level of income versus new reduced level of income) and therefore leaving Annare with nothing to live on.

2) In accordance with Annare's moving to suburbs of Indianapolis, her individual tax return was mailed to the following address which was indicated to us as her new location:

(120)

Annare Loubser
14614 Bach Drive #533
Carmel, IN 46032-7068

Further Affiant Sayeth Not.

Affiant's Signature

Affiant's Typed or Printed Name

State of Indiana)
) SS:
County of Hamilton)

Before Me Notary Public, in and for said County and State, personally appeared the aforesigned, who acknowledged the execution of foregoing Affidavit of Self-Authentication, and who having first been duly sworn, stated the representation therein contained are true.

Witness my hand and Notarial Seal this 15th day of Dec., 2004.

JENNY MUSSER
NOTARY PUBLIC
SEAL
STATE OF INDIANA
MY COMMISSION EXPIRES DEC. 4, 2011

Notary Public

My Commission Expires:

12.4.11

County of Residence:

Hamilton

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-120

seen in that chair, but - okay.

THE COURT: It's easier than him being over a ten foot putt. That's when he's really uncomfortable.

WITNESS: Yeah, and particularly when the Judge says, "We need this to tie."

MR. HOOVER: I have no more questions. Thank you, Mr. Diener.

THE COURT: Mr. Justice, cross examine.

MR. JUSTICE: Just a couple of short questions, Judge.

THE COURT: Okay.

CROSS EXAMINATION

BY MR. JUSTICE:

Q Uh, you testified you knew the parties. You knew Annare and you knew Al?

A Correct.

Q Both good people?

A Correct.

Q Hard working?

A Yes.

Q Intelligent?

A Yes.

Q Truthful?

A To the best of my knowledge, yes Sir.

Q Goes for both of them?

A That's correct.

Q And what - you described Al as a hard worker when he was

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R. Dennis Hoover
Attorney
128 South Main Street
Monticello, Indiana
Tel. (219) 583-0784
Fax (775) 208-6948

Mailing Address
P.O. Box 926
Monticello, IN 47960-0926
E-Mail rdhoover@lawyer.com

July 10, 2002

BY FAX

Brent R. Dechert, Esq.
Dechert Law Office
217 N. Main St. - P.O. Box 667
Kokomo, Indiana 46903-0667
Tel 765-459-0764
Fax 765-452-3673

Re: *Pala Dissolution*
White Circuit Court
Cause No. 91C01-0108-DR-147

Dear Mr. Dechert:

Subject to SSA approval (if necessary), this is my proposal concerning handling of the SSA records:

1. Al will appoint Candice Roth as his SSA representative.
2. Mrs. Roth (and I) will make arrangements and an appointment for her to go to the SSA office and copy the files.
3. We will notify you at least 7 days in advance of the date and time of the appointment.
4. Mrs. Pala's representative will meet Mrs. Roth at the SSA office (10 S. 2nd St., Lafayette) at the appointed time.
5. Mrs. Roth and Mrs. Pala's representative will:
   a. Copy the entire SSA file.
   b. Place the file in one or more envelopes, and seal and initial it/them.
   c. (Candice will) transport the envelopes directly to a copying service (preferably Copiers Plus in Monticello), where Mrs. Pala's representative may meet her;
   d. Have two (2) copies of the file made by the copying service;
   e. Each pay half (½) of the copying cost; and
   f. Each sign an original and two (2) copies of a statement previously approved by you and me to the effect that "this is a true and complete copy of Al's SSA file."
6. Mrs. Pala's representative will retain (for delivery to you) one of the copies of the file and statement.
7. Mrs. Roth will retain (for delivery to me) the original and the other copy.
8. You and I will prepare and submit a stipulation that the file is a joint exhibit, is authentic, is material to the issues in the case, and is admissible.

Please advise whether this is acceptable.

Kindest regards.

Sincerely,

Dennis Hoover

R. Dennis Hoover

Enc. as indicated
cc. Mr. Pala
Mrs. Roth

FILED
JUL 29 2002
CLERK WHITE CIRCUIT COURT

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Date	Description	Rate	Time	Amount
0624	Review letter from Daryl Carson, Peoples S&L. Study real estate and loan documents and notes. Make entries into chronology. Telephone conference with and fax to Theresa Lepper. Finish-fax-mail additional interrogatories. Phone conference with client. Re-fax 3d party discovery requests to opposing counsel	150	4.30	645.00
0625	Receive/study 21-page fax from Prudential re insurance values. Phone conference and office conference with client. Skim new documents presented by client. Client will obtain info from Diener, has been promised appraisals by Cindy Duff, is obtaining closing statements from White Co Abstract. Copies of recent pleadings to client. Deliver subpoena etc. to accountant Raderstorf.	150	2.00	300.00
0626	(After 5pm) Receipt-study of LF Atty Dechert with copies of discovery requests (29 cages). Prepare-fax letter to Atty Dechert; copy for client.	150	1.20	182.00
0626	Work on organizing exhibits	40	0.30	12.00
0627	Telephone conferences with accountant Raderstorf. Prepare letter to Raderstorf. Telephone conference with accountant Dobson. Letter by fax to Dobson	150	2.30	345.00
0627	Re-do Table of Contents for Discovery. Make copies of new documents provided by client. Label copies. Scan portions of new documents.	40	1.10	44.00
0628	Office conference with Larry Culp. Prepare outlines re 2882 Baers Court.	150	2.10	315.00
0629	Rev-review papers from Monti Banking Center.	150	0.20	30.00
0701	Prepare setup for client's responses to Respondent's Motion to Produce	25	1.00	
0704	Prepare client's responses to Respondent's interrogatories. Telephone conference with Atty Dechert, scheduled depositions. Phone conference with client. Conference with client at his home	150	7.10	1065.00
0705	Further conference with client at his home	0	0.70	0.00
0702	Office conference with Client. Review letter from Dechert to Lavin. Fax to Lavin.	150	2.20	330.00
0703	Letter to opposing counsel with copy of filed agreement. Fax from Atty Dechert with W's 3rd set of interrogs and requests for production	150	0.60	90.00
0708	Prepare copies of (2) appraisals. Work on marshaling data for sending discovery and for presentation of evidence	40	3.80	152.00
0708	Telephone conference with Raderstorf. Office conference with Larry Culp, returned appraisals, says his 2nd appraisal and Cindy Duff's did not include all property.	150	0.50	75.00
0709	Telephone conference with Mrs. C. Ruth. Prepare SSA representative form for C. Roth.	150	0.40	60.00

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Date	Description	Rate	Time	Amount
0710	Work on stipulation ideas for SSA records. Attempted calls to SSA. Letter to SSA. Receive-review W's 3rd set of interrogs and requests for production, medical releases. (Hard copy.) Letter to opposing counsel Dechert. Prepare-fax-mail notice of dep. Arrange court reporter. Fax notice of dep to court reporter (M. Jones). Phone and office conferences with staff at Raderstorf office. Office conference with Client and Roger Harmon; review things to do including bank statements-checks project, interrogatories, physician visit, SSA records. Work on answers to W's 2rd set of interrogs.	150	8.70	1305.00
0711	Receive-review W's notices of deposition. Pick up data from Acct Raderstorf. Fax to Raderstorf. Begin work on findings of fact and conclusions of law.	150	3.80	570.00
0712	Letter to SSA. Telephone conference with Client. Office conference with C. Ruth. Office conference with Client, Roger Harmon. Telephone conference with opposing counsel Dechert. Telephone conference with Raderstorf. Rcv data from Raderstorf.	150	2.80	420.00
0715	Review client's answers to 2nd set of interrogs. Conference with Larry Culp. Return 4/26/02 appraisals to L. Lavin. Prepare memos for trial testimony. File organization. Telephone conference with Del Principe.	150	3.00	450.00
0717	Telephone message from Atty Dechert. Telephone conference with Maryann Fleming, declines to examine client. Telephone conference with SSA-Lafayette; will order file from Kansas, here in 2 weeks, will call when it's ready, copy of decision may be at OHA-Indy. Telephone conference with OHA-Indy, they purge records every 2 years. Letter from Atty Dechert with Oxford Bank records. Do reply fax to Atty Dechert re depositions.	150	1.30	195.00
0718	Prepare copies of appraisals. Organization of new exhibits.	25	1.20	30.00
0718	Phone conference and office conference with L. Lavin, receive and discuss new appraisal. Receive new bill. Telephone conference with opposing counsel Dechert, agreement to do AFs dep first in exchange for receiving computer disks asap.	150	0.90	135.00
0719	Office conference with Client, Roger Harmon. Work on answers to W's 2rd set of interrogs.	150	6.40	960.00
0719	Additional uncharged work.	0	3.00	0.00
0720	Continue work on interrog answers. Office conference with client.	150	3.80	570.00
0720	Type revisions to interrog answers from client conference. Prepare final draft for client signature.	25	1.10	27.50
0720	Additional uncharged work.	0	2.90	0.00
0721	Prepare billing statement.	0	2.40	0.00
0721	LT Relieve Therapy requesting patient records, fax copy to opposing counsel. Prepare revised notice of deposition, fax/mail to opposing counsel. Review LF Chase re $50K mortgage.	150	0.80	120.00

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STATE OF INDIANA	)	WHITE CIRCUIT COURT
	)SS:	
COUNTY OF WHITE	)	2004 TERM

IN RE: THE MARRIAGE OF	)	
ALEXANDER R. PALA,	)	
Petitioner	)	
and	)	
	)	
ANNARE L. (PALA) LOUBSER	)	CAUSE NO.: 91C01-0108-DR-147
Respondent	)	

AFFIDAVIT OF ANNARE L. LOUBSER

1. On October 17th, 2002 first recess of above trial, on the third floor of White County Court house, outside courtroom door, Defendant Robert W. Thacker was observed engaging in *ex parte* communication with William Roth witness in opposition , who was still sworn in to testify after recess and husband of Candace Roth SSI Representative of Alexander R. Pala. Defendant Robert W. Thacker was dressed in his black judicial cloak.
2. Defendant Robert W. Thacker engaged in *ex parte* Communications with witness in opposition, David Diener, at recess at the above mentioned location in official dress, before he testified. On October 17th, 2002
3. Sondra Rumple Court Reporter in court room stated to Alexander Pala that her and her husband had dinner with Nancy and Joe Pala, Alexander R Pala's Brother and wife , just before trial. She commented that they have not been out for a long time till this week of trial. October 17th, 2002
4. On October 18th , 2002 Alexander R. Pala walked around in court room during plaintiff's professional witness testimony on business value and engaged in laughter with Candace Roth. In court room Alexander engaged in laughter with defendant Robert W. Thacker who was on the bench yet, as he walked across the courtroom floor saying" goodbye judgee wudgee I will see you around town"
5. Plaintiff observed Candace Roth SSI representative and relative of Alexander R. Pala engaging in *ex parte* communication with defendant Robert W. Thacker at the Tippecanoe Country Club on December 31st , 2002 Melissa Kilmer documented this event with pictures she took. Defendant Robert W. Thacker used his knowledge of plaintiff socializing with friends he obtained outside of courtroom on this night, as fact for equal standard of living determination" both parties continue to socialize with friends"

Defendant Robert W. Thacker's behavior in and out of courtroom conveyed the impression of partiality ,of the judge, to Alexander R. Pala, while "under color of law".

I affirm under penalties of perjury that the above information is true to the best of my knowledge and the representations are true.

October 12, 2004

Annare L. Loubser

PRO PER ANNARE L. LOUBSER

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(31)

years and can reasonably be expected to earn in that range during her working life over the next 20 years. The parties were married for approximately seven years, which was a first marriage for each party. The parties have no children. The parties have no dependent persons to support. The parties lived well during the marriage, enjoying many vacations, and spent a great deal of time together and with friends, especially on the weekends. The parties enjoyed many summer and winter recreational activities. The parties enjoyed a social life. The parties enjoyed entertaining their friends and being entertained. The parties have many friends in the community. The Wife has a normal life expectancy of approximately 40 years. The Husband does not have a normal life expectancy due to dwarfism and the expected deterioration of his physical health. During the period of separation from August 6, 2001 to the date of the final hearing on October 18, 2002, the parties have had a difficult time adjusting. The parties continue to be angry toward each other. During this lengthy separation period of time, the Husband was able to continue to reside in the marital home, due to the terms of the Provisional Order which required the Wife to pay from her earnings the monthly household expenses including the mortgage, homeowner's insurance and real estate taxes, and to maintain the Husband's health insurance including dental, and his life insurance. During that period of time, the Wife had sufficient earnings to maintain the marital home for the Husband and also to provide a rented residence for herself. During that period of time, both parties continued to socialize with their friends. During that period of time, both parties also expended much time, effort, and expense in aggressively pursuing the representation of their interests in the dissolution. Based on the foregoing factors, the Court determines that it is fair, just and reasonable that a

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STATE OF INDIANA	)	WHITE CIRCUIT COURT
	)SS:	
COUNTY OF WHITE	)	2004 TERM

IN RE: THE MARRIAGE OF	)	
ALEXANDER R. PALA,	)	
Petitioner	)	
and	)	
	)	
ANNARE L. (PALA) LOURSER	)	CAUSE NO.: 91C01-0108-DR-147
Respondent	)	

AFFIDAVIT OF MELISSA R. KILMER

1. That at the time of the trial of this cause on a October 17, 2002 I witnessed Judge Robert W. Thacker engaging in communications outside of his courtroom on the third floor of the White County Court House in his judicial robe. I saw Judge Robert W. Thacker shaking the hand of a witness, William Roth, for the petitioner, Alexander R. Pala, and then hugging another witness, David Diener, for the petitioner Alexander R. Pala
2. On October 17th, 2001 Sondra Rumple, the court reporter for Judge Robert W. Thacker, in the courtroom, commented to Alexander R. Pala that her and her husband had dinner with Joe and Nancy Pala, and that they haven't been out with them in a long time until this week, which happened to be the same week of the Pala marriage dissolution. Joe Pala is the brother of Alexander R. Pala.
3. On October 18th, 2001. I observed Alexander R. Pala joking with Candace Roth, walking around in the court room while testimony was taking place. Then, I witnessed at the conclusion of the trial Alexander R. Pala joking with Judge Robert W. Thacker saying "goodbye judge wedgee, I will see you around town" before he left the court room.
4. On December 31, 2002 while at the Tippecanoe County Club, I witnessed Judge Robert W. Thacker engaging in conversation with Alexander R. Pala's personal Social Security representative Candice Roth. Candice Roth has been documented in this case as Mr. Pala's Social Security representative, I took pictures of Judge Robert W. Thacker and Candace Roth to document the Judge showing impartiality to the petitioner, Alexander R. Pala in a public setting.

I affirm under penalties of perjury that the above information is true to the best of my knowledge and the representations are true.

October 12, 2004

Melissa R. Kilmer

Melissa R. Kilmer

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to the marriage. The parties lived at such residence until their separation in August, 2001. Soon after the marriage, the Wife changed employment. She left White County Memorial Hospital and became employed at the Kokomo Orthopedic Clinic in 1995. In 1996, the Wife returned to Monticello to become employed at Twin Lakes Rehabilitation. During the marriage, in 1999, the Wife started her own physical therapy business in Monticello known as Relief Therapy Services, Inc. The business consists of a rented office space with two clerical staff, a physical therapy assistant, and the physical therapist Wife. For tax purposes, the business operates on a fiscal year basis beginning on August 1st. For the tax year August 1, 2001 to July 31, 2002, the business had net earnings of approximately $200,000.00. During the tax year beginning August 1, 2002, the Wife's business has continued to perform well financially, except there has been some business decrease due to a slow-down in the local economy with a few industrial lay-offs and closures which have resulted in a decrease of physical therapy referrals through group health insurance providers. During the marriage, with regard to the parties' residential real estate, the parties made improvements and refinanced the Husband's original residence resulting in an increased value at the time of the filing of the dissolution of $241,000.00 with an increased mortgage balance of $160,000.00. In addition, during the marriage, the parties acquired an adjacent rental property in April, 1998 at a cost of $78,500.00 with a mortgage of approximately $50,000.00. The current mortgage payments are $1,417.00 per month on the residential real estate and $474.00 per month on the adjacent rental property.

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JAN 23 2003

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Justice Law Offices

JUSTICE

Courtney B. Justice *

Susannah M. Hall-Justice **

Mark Brown (1941-2002)

* Also admitted to the Bar of the District of Columbia

** Also admitted to the Bar of the State of Illinois

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Logansport, IN 46947
Telephone: 574-722-2866
Toll Free: 877-847-4222
FAX: 574-722-3502
e-mail: justlaw@sgc.com

October 5, 2004

Ms. Annare L. Loubser
1415 Main Street
Monticello, Indiana 47960

By Fax
574-583-9951

Dear Ms. Loubser:

At your request and for your immediate review, I am faxing the following:

1. Motion To Correct Errors (T.R. 59). (Due October 15, 2004)

2. Motion For Leave To File Interlocutory Appeal (Appellate Rule 14) (Due October 15, 2004)

3. Motion To Reconsider (T.R. 53.4) No deadline.

4. Motion For Entry finding No Just Reason For Delay and Entry of Judgment. (Trial Rule 54(B) No deadline.

Each of the foregoing deals with the Order of September 15, 2004, and the Court's determination that Mr. Pala receive $3,611.65 out of 2002 the tax refund.

You have asked me to file a Motion To Correct Errors. I repeat in this letter what I told you on at least two occasions since August 26th: I do not believe it is in your best interest to challenge Judge Kepner's Order on this issue. I know you feel strongly that his decision on the tax refund was incorrect, and that a motion to correct errors should be filed. I recommend against that action, however, because of the positive results this Order represents overall, and because the Court is unlikely to change its mind.

Alternate Locations:
312 E. Main St. • Delphi, IN 46923 • Toll Free: 877-847-4333 • FAX: 765-564-3249
710 Brown St., Suite 3 • Lafayette, IN 47901 • Toll Free: 877-742-2987 • FAX: 765-420-0948

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BEST AVAILABLE COPY

Respectfully submitted,

Annare L Loubser Pro Se
1415 N Main Street
Monticello, IN 47960
574-583-9950

CERTIFICATE OF SERVICE

I hereby certify that on 10 day of May, 2006 a true and complete copy of the foregoing was served upon each of the following individuals by depositing a copy of same to each in the United States mail with sufficient first class postage affixed thereto.

Robert W. Thacker
4543 E. Fairway Court
Monticello, IN, 47960

Rex W. Kepner
706 E. Fifth Street
Fowler, IN 47944

Steve Carter
Attorney General of Indiana
Elizabeth Rogers
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South Fifth Floor
302 West Washington Street
Indianapolis , IN 46204-2770